

### **Remarks**

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 82, 86, 89, 91, 93-95, 97, 99 and 102 have been amended. Claims 2-80 have been previously cancelled. No new claims have been added. Therefore, claims 1 and 81-103 are presented for examination. The following remarks are in response to the final Office Action, mailed January 11, 2006 and the advisory action mailed April 4, 2006.

### **35 U.S.C. § 112 Rejection**

Claims 82, 86, 93 and 94 stand rejected under 35 U.S.C. §112. Claims 82, 86, 93 and 94 have been amended to place the claims in proper condition for allowance. Accordingly, Applicants respectfully request that the rejection be withdrawn.

### **Claim Objections**

Claim 95 stands objected to because of informalities. Claim 95 has been amended to correct the informalities. Accordingly, Applicants respectfully request that the objection be withdrawn.

### **35 U.S.C. § 102(b) Rejection**

Claims 1, 82, 86-88, 91-92, 94-96, 98-101 and 103 stand rejected under 35 U.S.C. §102(b), as being anticipated by Billock, et al., U.S. Patent No. 5,619,249 (“Billock”).

Applicants respectfully submit that Billock discloses “[a] telecasting service . . . that offers video programs upon viewer demand.” (Abstract). Billock further discloses a “list screen mode [that] . . . is divided into a menu window (on the left side) and a still image window (on the right side). *The menu window displays a list of video programs*

*that are available for viewer selection.”* (col. 9, lines 30-34; emphasis provided). The viewer can “activate [a] preview mode actuator [and] a preview mode screen is displayed.” (col. 11, lines 32-33). The viewer sets an active category when “the viewer activates one of the various actuators.” (col. 15, lines 62-63). Billok further discloses that a “*graphics computer transmits [a] PROGRAM\_ID corresponding to the active program to the telecasting facility. The processing system receives the PROGRAM\_ID and applies it to the program table to extract the DESCRIPTION data item corresponding to the active program. The processing system then transmits the DESCRIPTION to the graphics computer.*” (col. 16, lines 1-8; emphasis provided).

In contrast, claim 1, in pertinent part, recites “prioritizing the content in response to a feedback received from the one or more clients, wherein the feedback is automatically generated transparent to the one or more clients based on an amount of content consumed by the one or more clients.” (emphasis provided). Applicants submit that Billok fails to teach or reasonably suggest such a feature. First, Billok fails to teach or reasonably suggest prioritizing content. The Examiner cites Billok in numerous locations (e.g. Fig. 7, Fig.8, Fig. 9D Step 162, Fig. 9E Step 176, Col. 11 lines 32-42, Col. 12 Lines 30-41, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9); however, Applicants are unable to find any teaching or reasonable suggestion of prioritizing content, as recited in claim 1. In addition, the Examiner characterizes the aforementioned references as teaching that “[p]reviews are shown for a user selected genre of programs” (Office Action, mailed January 11, 2006 at page 3, lines 3-5); however, Applicants submit that previewing is not the same as prioritizing content.

Second, Billok fails to teach or reasonable suggest that “feedback is automatically generated transparent to the one or more clients based on an amount of the

content consumed by the one or more clients.” (emphasis provided). Applicants are unable to find any teaching or reasonable suggestion in Billock of generating feedback. Nonetheless, to the extent that Billock does generate feedback, Applicants submit that Billock still fails to teach or reasonably suggest that the feedback is “automatically generated transparent to the one or more clients” as recited in claim 1. (emphasis provided). Accordingly, for at least the reasons stated above, Applicants respectfully request that the rejection of claim 1 and its dependent claims be withdrawn. Claims 91, 95 and 99 include limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 91, 95 and 99 and their dependent claims.

### **35 U.S.C. § 103(a) Rejections**

Claims 82, 93, 97 and 102 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Billock.

With regard to claims 82, 93, 97 and 102, they depend from one of independent claims 1, 91 and 99 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 82, 93, 97 and 102.

Claims 83-85 and 89-90 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Billock in view of Payton, U.S. Patent No. 5,790,935 (“Payton”).

With regard to claims 83-85 and 89-90, they depend from independent claim 1 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 83-

85 and 89-90.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

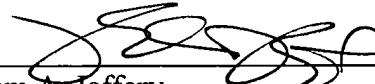
**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: April 7, 2006

  
Aslam A. Jaffery  
Reg. No. 51,841

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980